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8 Attorneys for Defendants H and A Marketing and Sales, Inc.;  
9 Agner Emilio Espana

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11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

13 SUTRA BEAUTY, INC,

14 Plaintiff,

15 v.

16 H AND A MARKETING AND  
17 SALES, INC., a Florida corporation;  
18 AGNER EMILIO ESPANA, an  
19 individual; and DOES 1 through 10,  
20 inclusive,

21 Defendants.

Case No. 2:17-cv-05999  
Judge: Hon. Christina A. Snyder  
Courtroom: 8D  
Complaint Filed: 8/23/2017

22 **DEFENDANTS' F.R.C.P. RULE 26(a)(1)**  
23 **INITIAL DISCLOSURES**

24 **PLEASE TAKE NOTICE THAT** pursuant to Federal Rule of Civil Procedure  
25 26(a)(1) and the local rules for the United States District Court for the Central District  
26 of California, Defendants H and A Marketing and Sales, Inc., a Florida corporation and  
27 Agner Emilio Espana ("Defendants"), make the following initial disclosures to Plaintiff  
28 Sutra Beauty, Inc. ("Plaintiff). It should be noted that Defendants have not fully  
completed discovery in this action, and have not completed preparation for trial. All of  
the responses contained herein are based upon such information and documents which  
are presently available to and specifically known to Defendants.

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1 It is anticipated that further discovery, independent investigation and legal  
2 research and analysis will supply additional facts, add meaning to the known facts, a  
3 well as establish entirely new factual conclusions and legal contentions, all of which  
4 may lead to substantial additions to, changes in, and variations from the information set  
5 forth herein.

6 The following disclosures are given without prejudice to Defendants' right to  
7 disclose evidence of any subsequently discovered fact or facts which Defendants may  
8 later obtain or recall. Defendants accordingly reserve the right to change any and all  
9 answers herein as additional facts are ascertained, analyses are made, legal research is  
10 completed and contentions are formed. The information contained herein is disclosed  
11 in a good faith effort to supply as much information is presently known to Defendants.  
12 Discovery and investigation are continuing.

13 **I. F.R.C.P. 26(a)(1)(A)(i) DISCLOSURE.**

14 The Name And, If Known, The Address And Telephone  
15 Number Of Each Individual Likely To Have Discoverable  
16 Information, Along With The Subjects Of That Information,  
17 That The Disclosing Party May Use To Support Its Claims Or  
18 Defenses.

19 Upon knowledge, information, and belief, the following individuals are likely to  
20 have discoverable information that Defendants may use to support its claims:

Identified Individuals	Likely Subject Matter of Information
Agner Espana c/o Defendants' counsel.	Mr. Espana has knowledge of facts regarding his interaction with Plaintiff, its agents and employees, as well as the facts underlying the operative answer.

1 Daniel Zeevi, former employee of  
2 Defendants, c/o Defendants' counsel.

Mr. Zeevi has knowledge of sales conducted by him on behalf of Defendants, fact that sales were conducted in compliance with terms of distribution limitation agreement, as well as other facts underlying the operative answer.

7 Billy Dimas, former employee of  
8 Defendants, c/o Defendants' counsel.

Mr. Dimas has knowledge of sales conducted by him on behalf of defendants, fact that sales were conducted in compliance with terms of distribution limitation agreement, as well as other facts underlying the operative answer.

13 Lior Grinshtein c/o Plaintiff's counsel.

Defendants anticipate Lior Grinshtein has knowledge regarding his direct dealings with Agner Espana, products purchased by Defendants, sales training received, sales tactics encouraged by Plaintiff, sales goals or sale requirements imposed by Plaintiff, extent of authority granted to him as Plaintiff's agent in dealing with Sellers like Defendants, all of his communications with Agner Espana.

1 Rothem Chorev c/o Plaintiff's counsel.

2 Defendants anticipate Rothem Chorev has  
3 knowledge regarding her direct dealings  
4 with Agner Espana, products purchased by  
5 Defendants, sales training received, sales  
6 tactics encouraged by Plaintiff, sales goals or  
7 sale requirements imposed by Plaintiff,  
8 extent of authority granted to her as  
9 Plaintiff's agent in dealing with Sellers like  
10 Defendants, all of her communications with  
11 Agner Espana.

12 Person Most Knowledgeable at: Sutra  
13 Beauty, Inc.

14 The person(s) most knowledgeable at Sutra  
15 Beauty, Inc. who have knowledge of  
16 Plaintiffs and Defendants interactions, sales  
17 to Defendants, Plaintiff's sales tactics,  
18 internal policies and procedures regarding  
19 distribution limitation agreements,  
20 knowledge of sale of Plaintiff's products  
21 online, including on Amazon and other  
22 websites by persons or entities other than  
23 Defendants at lower prices than pricing of  
24 products sold to Defendants, sales goals of  
25 Plaintiff's employees, extent of authority  
26 granted by Plaintiff to its employees in its  
27 dealings with sellers like Defendants.

28 Defendants further believe that individuals identified by Plaintiff in its Rule 26  
disclosure or other discovery responses, as well as those identifiable from review of  
Plaintiff's discovery responses and/or produced documents as part of discovery may be

1 individuals likely to have discoverable information that Defendants may use to support  
 2 Defendants' defenses. Defendants specifically reserve Defendants' right to supplement  
 3 this list, as additional individuals are identified.

4 **II. F.R.C.P. 26(a)(1)(A)(ii) DISCLOSURE.**

5 Description Of All Documents, Electronically Stored  
 6 Information, And Tangible Things That The Disclosing Party  
 7 Has In Its Possession, Custody, Or Control And May Use To  
 8 Support Its Claims Or Defenses.

9 The following are documents, electronically stored information, data  
 10 compilations, and tangible things that are in the possession, custody, or control of the  
 11 party and that the disclosing party may use to support its claims:

- 12 1. Distribution Limitation Agreement between Plaintiff and Defendants attached  
 13 hereto as Exhibit A;
- 14 2. Statements/Invoices reflecting all products purchased by Defendant H and A  
 15 Marketing Sales, Inc. ("H and A") from Plaintiff attached hereto as Exhibit A;
- 16 3. Documents relevant to payments made for all products purchased by  
 17 Defendant H and A;
- 18 4. Documents relevant to sales made by H and A to consumers;
- 19 5. Any written communications relevant to the allegations in, and/or subject  
 20 matter of the Complaint and affirmative defenses in Defendants' Answer to  
 21 the Complaint;
- 22 6. Documents relevant to the allegations in, and/or subject matter of the  
 23 Complaint and in support of affirmative defenses in Defendants' Answer to  
 24 the Complaint;

25 Defendants further reserve Defendants' right to supplement these disclosures of  
 26 documents, data compilations, and tangible things based upon further discovery  
 27 demands, responses, and production over the course of this litigation.

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1 **III. F.R.C.P. 26(a)(1)(A)(iii) DISCLOSURE**

2 A Computation of Each Category of Damages Claimed By  
3 The Disclosing Party.

4 Defendants have not filed a counter-claim and thus, no damages are sought at this  
5 time.

6 **IV. F.R.C.P. 26(a)(1)(A)(iv) DISCLOSURE.**

7 Any Insurance Agreement Under Which An Insurance  
8 Business May Be Liable To Satisfy All Or Part Of A Possible  
9 Judgment In The Action Or To Indemnify Or Reimburse For  
10 Payments Made To Satisfy The Judgment.

11 Defendants are unaware of any such insurance agreement.

12 Pursuant to the Federal Rules of Civil Procedure, Defendants further reserve  
13 Defendants' right to supplement these responses and/or disclosures at a later date in the  
14 future should further information become available or known that would require such  
15 supplemental disclosure.

16 DATED: January 25, 2018

Respectfully submitted,

17 **ALLEGUEZ & NEWMAN, LLP**

18 /s/ Tina M. Alleguez

19 Tina M. Alleguez, Esq.

20 Attorneys for Defendants H and A  
21 Marketing and Sales, Inc.; Agner Emilio  
22 Espana  
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**DECLARATION OF ELECTRONIC SERVICE**

**Central District of California Case No. 2:17-cv-05999-CAS-PJW**

Service of the attached document was accomplished pursuant to Central District of California, Order Authorizing Electronic Filing, General Order No. 08-03 and Local Rule 5.3-3, which provide in part: "Upon the electronic filing of a document, a Notice of Electronic Filing (NEF) is automatically generated by the CM/ECF system and sent by e-mail to all attorneys in the case who are registered as CM/ECF Users and have consented to electronic service. Service by this electronic NEF constitutes service pursuant to the Federal Rules of Civil and Criminal Procedure for all attorneys who have consented to electronic service."

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on January 25, 2018, at Woodland Hills, California.

By:           /s/ Tina M. Alleguez            
Tina M. Alleguez